

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

# IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESAL PRICE LITIGATION

MDL NO. 1456  
CIVIL ACTION NO. 01-12257

THIS DOCUMENT RELATES TO  
01-CV-12257-PBS

Honorable Patti B. Saris

**[PROPOSED] CASE MANAGEMENT ORDER NO. 13**

In view of the significance that final rulings on the pending motion for class certification will have on the scope of this litigation, and in order to conserve the resources of the parties and the Court, the deadlines established in Case Management Order No. 10 with respect to fact discovery, expert reports on liability, summary judgment motions on liability and a hearing thereon are hereby vacated and the following schedule is established.

## I. Phase I Schedule

As used herein, “triggering date” means the date of an unappealed order by this Court on the pending motion for class certification or the final judgment of the United States Court of Appeals for the First Circuit in any appeal of this Court’s order on the pending motion for class certification.

1. 150 days after triggering event -- close of fact discovery
2. 210 days after triggering event -- plaintiffs serve expert reports
3. 270 days after triggering event -- defendants serve expert reports on liability

and motions for summary judgment

4. 330 days after triggering event -- plaintiffs serve oppositions to defendants' motions for summary judgment

5. 360 days after triggering event -- defendants serve replies on their motions for summary judgment

6. 375 days after triggering event -- plaintiffs serve surreplies on defendants' motions for summary judgment

II. Phase II Schedule

To be filled in by Phase II defendants.

**IT IS SO ORDERED.**

DATED: \_\_\_\_\_

\_\_\_\_\_  
Hon. Patti B. Saris  
United States District Court Judge